IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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WEDNESDAY, THE TENTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION No. 17622 OF 2005

Between:

Smt.R.Srilatha … Petitioner

Versus

The Commissioner,

Municipal Corporation of Hyderabad & Anr. … Respondents

Counsel for the Petitioner : Mr. POSANI VENKATESWARLU

Counsel for the Respondents: SMT.G. JYOTI KIRAN

O R D E R :

This writ petition is filed questioning the action of the respondents in insisting for ‘no objection certificate from Joint Collector, Hyderabad and not receiving the building application of the petitioner in respect of premises bearing No.7-1-309/49 at BK Guda, Hyderabad and not granting building permission, as illegal, arbitrary, contrary to the provisions of the Hyderabad Municipal Corporation Act, 1955 and building bye-laws 1981 and consequently direct the respondents to receive the building

application of the petitioner and grant building permission without insisting 'no objection certificate' from Joint Collector, Hyderabad.

The case of the petitioner is that she is the absolute owner and possessor of the property admeasuring 240 sq.yards in Plot No.16 in Ward No.7, Block No.1, house bearing No.7-1-309/49 at Bahlookhan Guda (BK Guda) Hyderabad, which was purchased under a registered sale deed dated 2-5-2005. Originally her vendor's father had purchased the same under a registered sale deed dated 05-10-1971 and thereafter her vendors were living in the said property by constructing a small house. The respondent-corporation assessed the same and assigned assessment no.12-11-1084/85 and it is from all encumbrances.

It is submitted that after purchase of the said property, the petitioner approached the respondent-corporation on 09-5-2005 and 12-5-2005 to submit her building application seeking for construction of an independent house with ground plus two floors. But the respondent-corporation on those two occasions refused to receive her application and plans on the ground that she had not produced 'no objection certificate' from the Joint Collector, Hyderabad. Therefore, she filed the present writ petition.

Considering the facts and facts of the case, I deem it appropriate to dispose of the writ petition at the admission stage, directing the respondents to follow the judgment of this court in **HYDERABAD POTTERIES PVT.LTD. V/s. COLLECTOR, HYDERABAD DISTRICT & ANOTHER.**, and receive the building application of the petitioner seeking for construction of an independent house with ground plus two floors and approve the

building plan of her proposed construction in an extent of 240 sq.yards in Plot No.16 in Ward No.7, Block No.1, bearing No.7-1-309/49 at Bahlookhan Guda (BK Guda) Hyderabad, which was purchased by her under a registered sale deed dated 2-5-2005 and pass appropriate order on merits and in accordance with law, within two weeks from the date of receipt of a copy of this order, after giving reasonable opportunity of hearing the petitioner.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 10th, 2005. ---------- ---------- -------

I s L. ELIPE DHARMA RAO , J.